

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00005

BRIAN TRAVIS BAYS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On September 5, 2018, the United States of America appeared by Christopher R. Arthur, Assistant United States Attorney, and the defendant, Brian Travis Bays, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a two-year term of supervised release in this action on September 17, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on September 1, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on October 5, 2017, for amphetamine and methamphetamine; his admission to the probation officer on March 21, 2018, that he had used methamphetamine approximately two weeks prior and marijuana six or seven days prior; his admission to the probation officer on July 12, 2018, that he had used methamphetamine approximately four days prior and that he was using it about every two weeks, and that he had used marijuana approximately two weeks prior; and a positive urine specimen submitted by him on August 7, 2018, for methamphetamine; (2) the defendant failed to report to the probation officer as instructed on June 5, 2018; and (3) the defendant failed to participate in substance abuse counseling and treatment as directed as more fully set forth in Violation No. 3; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

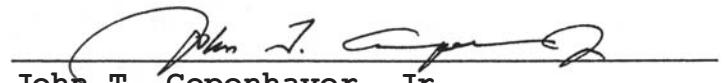
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant, whose supervised release has twice been modified to include residential drug treatment and has twice been revoked with imprisonment sentences of first three months and then four months, should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIVE (5) MONTHS.

While the defendant remains in custody, it is recommended that the defendant be evaluated with respect to his mental health and provided such medication, if any, as may be deemed appropriate.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 11, 2018



John T. Copenhaver, Jr.  
United States District Judge